

The City of Newburgh

Office of the Corporation Counsel

City Hall – 83 Broadway
Newburgh, New York 12550

Geoffrey E. Chanin
Corporation Counsel

Tel. (845) 569-7335
Fax. (845) 569-7338

Michelle Kelson
Assistant Corporation Counsel

MEMORANDUM

TO: Courthouse Burial Ground Working Group

FROM: Geoffrey E. Chanin, Corporation Counsel

RE: Courthouse Burial Ground;
Meeting of March 26, 2008 - Summary of Comments

DATE: March 31, 2008

CC: Jean-Ann McGrane, City Manager
Ann Kuzmik, Administrative Assistant
Yaniyah Pearson, Director of Human Services
Betsy McKean, Records Management Officer
Mary McTamaney, City Historian

The site currently occupied on the east by the Broadway School and its surrounding parking area, and on the west by Robinson Avenue was designated as a burial ground for persons of African descent in the 19th Century. When Robinson Avenue and the school were planned, excavations were undertaken. According to 1908 newspaper articles, uncovered remains were relocated to two sites: the so-called Alms House burial ground located at Snake Hill on City-owned property, and at Woodlawn Cemetery on Union Avenue, which is a privately incorporated facility.

Recent excavations at the Broadway School site have uncovered skeletal human remains, which appear to be from three individuals. These remains have been given to the custody of Dr. Charles Catanese, M.D., the Orange County Medical Examiner, who will verify their age and maintain their safe-keeping. Any further remains uncovered by further site work or by screening soils already excavated will also be placed in the custody of the Medical Examiner.

In general, the responsibilities of a local municipality for an abandoned burial ground and the accompanying legal procedure are described in General Municipal Law Section 164.

Mindful of the historical and cultural significance of the site and of the need to appropriately re-inter and commemorate the remains found, a group of clergy and members of community, with City officials and staff, have convened to create a plan to define and carry out this important responsibility. The group met in the City Manager's Office at 5:00 p.m. on Wednesday, March 26, 2008. Herewith is a concise summary of comments and views offered at that meeting.

- A permanent site should be identified and dedicated for the re-interment of all remains.
- The site should include appropriate monumentation and be of appropriate design to sufficiently hallow and honor the lives and memory of those interred therein.
- The Broadway School site should itself have appropriate monumentation, plaques, displays and other publically-accessible indicia of the use of this site as a burial ground; and that it is likely that some burials remain on the site.
- The site designated for re-interment and the Broadway School site should be designed to best provide the respect and seriousness which is accorded by present and future generations to the persons originally interred and the lives they led.
- There are other places which have uncovered such sites. Persons affiliated with such other sites have important knowledge and experience which our group can access to enlighten and guide our efforts. One such noteworthy site is the African Burying Ground in lower Manhattan, which was uncovered during construction of a new federal office building. The site has a website; and a library of research materials is available relating to the site.
- Other such sites include Highland Falls in the Town of Highlands in Orange County; and Spring Valley, New York. The Spring Valley site is affiliated with former slave quarters, and has been recognized by the local AME Zion Church.
- The City government has engaged services and equipment to identify all remains on the Broadway School site to the greatest extent possible, consistent with continuing progress on the new Courthouse project as mandated by the Office of Court Administration ("OCA") of the State of New York. This includes consultation, advice and guidance of the State Office of Historic Preservation ("SHPO"), an on-site State archeologist, and ground-penetrating radar.
- It is important to recognize that one viable, and in many ways appropriate, option is to re-inter any found remains and to establish a fitting memorial and

commemorative display, both inside and outside the new Courthouse building, on the Broadway School site.

- There are many other sites which have been recognized years after the original burials or other historic events which occurred there; and which were commemorated on-site without any dis-interment or relocation of remains. Among many prominent examples are: the USS Arizona Memorial at Pearl Harbor, Hawaii; the scene of the Tulsa, Oklahoma race riots of 1921; and various battlefields. These sites commemorate and honor peoples of all races and backgrounds.
- Should the decision be made to use the Broadway School site, appropriate religious and memorial services can be arranged at such site to honor the memories of the persons interred there and recognize the importance of the site itself.
- When such services are planned, all the elements of the community, including religious congregations, community-based organizations and classes of school children can be involved and included, among others.
- Earlier re-interments at the Alms House Cemetery and Woodlawn went unrecognized; these burials should also be properly recognized and commemorated with suitable monumentation and historical and cultural distinction, public recognition and accurate historiography.
- Among the sources of funds available for the work of commemoration is the City's new "One Percent for Art" program. The City Arts and Cultural Commission plays an important role in reviewing and recommending design options and features which are funded by the One Percent for Art funding program.
- The year 2009 will see the City host many activities in connection with the Hudson-Fulton-Champlain quadri-centennial. It is also the tri-centennial of the founding of Newburgh as a village in 1709. These events give us a rare opportunity to include the commemoration of the Burying Ground and the citizens now and formerly interred there in these important celebrations of Newburgh's history. Doing so will enhance efforts to further instill pride in our heritage in youth of African descent and in all persons generally.
- Experts and scholars who have taught and lectured in the City of Newburgh and the Hudson Valley are available to provide additional insight, guidance and information on this subject matter; including A.J. Williams-Myers. An effort will be made to reach out and recruit the assistance of these scholars.
- The group which convened on March 26, 2008, with the addition of additional knowledgeable and willing participants, represents a force of great power, with the

ability and opportunity to do work of tremendous value and benefit for the people of the community and for generations to follow. The work, and the benefits it can provide, is of course of special importance to the African-American community, but also has the power to transcend specific races, ethnicities, cultures and generations.

Next steps to be taken include:

- continuing outreach to the community;
- collaboration with archeologists, historians, scholars, teachers, students, and persons with special knowledge and interest;
- an intensive and comprehensive effort to research and document where possible the following: identities and/or histories of persons interred in the Burying Ground, and the community they lived in and the lives they led, and their ancestors and descendants; the history and other information concerning those dis-interred from the Courthouse site and re-interred at the Alms House and Woodlawn cemeteries;
- a continuing collaboration with the goal of developing options and making a final determination with respect to the final interment of all remains;
- the development of appropriate celebrations, ceremonies, commemorations and memorial services for the persons buried in the Burying Ground at the Courthouse site;
- the development of appropriate designs for the monumentation and educational displays to be incorporated at the new Courthouse facility;
- the development of a budget estimate which will be the basis of establishing the financial platform supporting the creation, maintenance, promotion and enhancement of the site(s) to be created by the work of the group;
- the identification, to the greatest extent possible, of a group or organization, or several such, which will be able and willing to carry on the work of the present group when this specific project is completed;
- which may or may not be the kind of voluntary cemetery maintenance organization which may be formed by a local municipality under General Municipal Law Section 165 and which is eligible to apply for, receive and expend State funds;

Coordinate the ongoing work on the State-mandated City Courthouse Project with the work of the group to properly commemorate and hallow the Burying Ground and the persons who are or have been interred there.

GEOFFREY E. CHANIN

GEC/av